

S.C.R. 28 - By Truan: Recognizing and commending the BOSS '95 Symposium for its promotion of positive help for businesses.

S.C.R. 29 - By Gallegos: Recognizing the 100th anniversary of the founding of the chiropractic profession.

S.R. 49 - By Ellis: Congratulating Rabbi and Mrs. Joseph Radinsky of Houston on their 18th anniversary with United Orthodox Synagogues in Houston.

S.R. 50 - By Ellis: Congratulating Vernus Swisher of Houston on his selection as Citizen of the Month by the Anheuser-Busch Companies and *The Houston Defender*.

S.R. 52 - By Truan: Recognizing Lanette Nolte of Ingleside on the occasion of her retirement from the Port Aransas Chamber of Commerce.

S.R. 54 - By Henderson: Recognizing Dr. Don Collins of the Klein Independent School District for his achievements.

S.R. 56 - By Cain: Congratulating the Lindale Independent School District on the opening of its new high school.

S.R. 57 - By Ratliff: Congratulating Gary L. Hanks of Paris, Texas, on achieving the rank of Eagle Scout.

S.R. 61 - By Lucio: Congratulating Mr. and Mrs. Lupe H. Conde on the occasion of their 50th wedding anniversary.

ADJOURNMENT

On motion of Senator Truan, the Senate at 10:37 a.m. adjourned until 1:00 p.m. Monday, January 23, 1995.

SEVENTH DAY

(Monday, January 23, 1995)

The Senate met at 1:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Joseph C. Parker, Jr., David Chapel Missionary Baptist Church, Austin, offered the invocation as follows:

O gracious Father, we gather here today in obedience to Your word to pray for these Texas Senators, those who are in authority;

that we may lead a quiet and peaceable life in all godliness and honesty. We look to Thee as we begin today and seek Your blessing on this assembly. You have already shown us that every day You give transforming power—converting chaos to creation. So we ask that You will be present in our midst and govern what is said and done; that words, legislation, and actions be in accordance with Thy will. Be very near to these men and women, and may this be a day of rewarding service. Let it be a day when they serve You as You deserve. Let it be a day when they fight for what is right and not worry about the wounds. Let it be a day when they labor and not ask for any reward, except that of knowing Thy will was done. In Jesus' name I pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 19, 1995, was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 18

On motion of Senator Moncrief and by unanimous consent, Senator Leedom will be shown as Co-author of **S.B. 18**.

CO-AUTHOR OF SENATE BILL 40

On motion of Senator Bivins and by unanimous consent, Senator Sims will be shown as Co-author of **S.B. 40**.

CO-AUTHOR OF SENATE BILL 67

On motion of Senator Bivins and by unanimous consent, Senator Haywood will be shown as Co-author of **S.B. 67**.

CO-AUTHORS OF SENATE BILL 83

On motion of Senator Shapiro and by unanimous consent, Senators Armbrister, Bivins, Nixon, Ratliff, and Sibley will be shown as Co-authors of **S.B. 83**.

CO-AUTHOR OF SENATE BILL 114

On motion of Senator Rosson and by unanimous consent, Senator Montford will be shown as Co-author of **S.B. 114**.

CO-AUTHOR OF SENATE BILL 141

On motion of Senator Ellis and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 141**.

CO-AUTHOR OF SENATE BILL 177

On motion of Senator Whitmire and by unanimous consent, Senator Wentworth will be shown as Co-author of **S.B. 177**.

MESSAGE FROM THE HOUSE

House Chamber
January 23, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 18, Relating to the reestablishment and operation of the State Board of Dental Examiners and to the regulation of the practice of dentistry and dental hygiene; providing penalties; and making an appropriation.

S.C.R. 28, Recognizing and commending the BOSS '95 Symposium for its outstanding promotion of positive help for businesses.

H.C.R. 38, Designating January 25, 1995, as Mount Pleasant Day.

H.C.R. 42, Designating January 23, 1995, as Grapefruit Day in Texas.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

S.C.R. 30 by Haywood Administration
Granting the YMCA youth and government program permission to use the House and Senate chambers on February 23, 24, and 25, 1995, and on February 22, 23, and 24, 1996.

S.J.R. 23 by Ratliff State Affairs
Proposing a constitutional amendment to allow the abolition of the office of county treasurer in Titus County.

S.J.R. 24 by Armbrister, Galloway, State Affairs
Haywood, Patterson
Proposing a constitutional amendment to limit the time that a person may serve in legislative office or in a statewide elective executive office.

S.B. 264 by Luna Jurisprudence
Relating to jury service by deaf or hearing impaired persons.

S.B. 265 by Montford Finance
Relating to an exemption from the oil and gas production taxes for marginal oil and gas wells and to the promotion of the drilling of new oil and gas wells.

S.B. 266 by Armbrister State Affairs
Relating to an exemption from the regulation of air conditioning and refrigeration contractors.

S.B. 267 by Shapiro, Sims Criminal Justice
Relating to sex offender registration and public notification of the release of a sex offender into the community; creating offenses and providing criminal penalties.

S.B. 268 by Shapiro Health and Human Services
Relating to the required license for the operation of a child care facility.

S.B. 269 by Truan Health and Human Services
Relating to the identification of children suffering from lead poisoning and to control measures for lead contamination; providing civil penalties.

S.B. 270 by Gallegos Intergovernmental Relations
Relating to civil service systems for constable's offices in certain counties.

S.B. 271 by Ratliff Natural Resources
Relating to the applicant-violator system of the Texas Surface Coal Mining and Reclamation Act.

S.B. 272 by Ratliff Criminal Justice
Relating to the forfeiture or destruction of weapons belonging to persons convicted of or receiving deferred adjudication for the commission of certain crimes.

S.B. 273 by Luna Criminal Justice
Relating to court-ordered mental health services for a person who has committed a sexually violent offense.

S.B. 274 by Haywood Jurisprudence
Relating to access to personal information about jurors.

S.B. 275 by Ellis Criminal Justice
Relating to the punishment for the offense of evading arrest or detention.

S.B. 276 by Ratliff Economic Development
Relating to a real estate appraisal prepared for credit purposes.

S.B. 277 by Armbrister, Nelson State Affairs
Relating to the eligibility of a person who has served as a member of the United States Senate or House of Representatives to be a candidate for the same office.

SENATE RESOLUTION 70

Senator Lucio offered the following resolution:

WHEREAS, It is a distinct honor and great pleasure for the Senate of the State of Texas to pay tribute to one of its illustrious members, Senator Frank L. Madla, Jr., on the auspicious occasion of his birthday which is being celebrated on January 23, 1995; and

WHEREAS, The people of Texas and the citizens of the 19th Senatorial District are truly fortunate to have such an able and dedicated solon as their spokesman; and

WHEREAS, The primary concerns he has had as a legislator are education, public health and the environment, mental health and mental retardation, and alcoholism and drug abuse; and

WHEREAS, Throughout his career, Senator Madla has impressed his constituents with his devotion to their interests; and

WHEREAS, Elected to the Texas House of Representatives in 1972, he served with distinction from 1972 through 1993; he was elected to the Texas Senate in 1993, and he brought with him a great wealth of legislative experience; and

WHEREAS, Frank Madla was an acknowledged leader in the house, serving on the Public Health Committee where he was Chairman of Budget and Oversight; on the Appropriations Committee, he was Chairman of the Subcommittee on Nursing Home Rates; and

WHEREAS, During the 73rd Legislature, Senator Madla served on the Health and Human Services Committee, the Committee on Intergovernmental Relations, and the Economic Development Committee; and

WHEREAS, Senator Madla has been honored frequently; he was named Legislator of the Year by the Texas Association for Retarded Citizens, the Texas Society for Autistic Citizens, the Texas Public Health Association, and the Texas Public Employees Association; and

WHEREAS, He was named Crime Fighter of the Year by the Texas State Troopers Association, has received the Distinguished Service Award from the Texas Pharmaceutical Association, and has been honored by receiving the President's Award of the San Antonio Council on Alcoholism; and

WHEREAS, Senator Madla's impressive credentials have earned him appointments to the Texas Summit on Teen Pregnancy Prevention, the Region XX Community Advisory Committee for the Texas Department of Human Resources, the Texas Statewide Health Coordinating Council, and the Southern Legislative Conference State Legislator's Network; and

WHEREAS, An insurance broker, a real estate broker, and a part-time college instructor, Senator Madla is known for his wise counsel and good judgment in many areas; and

WHEREAS, Sharing in the concerns and the accomplishments of this distinguished senator are his devoted and lovely wife, Helen, and their two children, Frank Madla III and Marci Morgan; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby extend happy birthday greetings with many happy returns to Senator Frank L. Madla, Jr.; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of highest esteem and regard from the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio, the resolution was adopted by a viva voce vote.

HOUSE CONCURRENT RESOLUTION 42

The President laid before the Senate the following resolution:

H.C.R. 42, Designating January 23, 1995, as Grapefruit Day in Texas.

LUCIO

The resolution was read.

On motion of Senator Lucio and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Rick Perry, Commissioner of Agriculture; Ray Prewett with Texas Citrus Mutual; Jerry Wazel with the Texas Citrus and Vegetable Association; and Mary McIver with Texas Sweet.

The Senate welcomed its guests.

(Senator Truan in Chair)

SENATE RESOLUTION 48

Senator Ellis offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Anthony F. Haley on the momentous occasion of his being licensed as an attorney in the State of Texas; and

WHEREAS, Born on December 18, 1962, in Nashville, Tennessee, Anthony is the son of Dr. Ronald A. Haley and Mrs. Leona D. Haley; he attended school in New York City and Houston; and

WHEREAS, Before he was 18, this promising young man began volunteer work for Amigos de las Americas during his summers; he worked to improve living conditions in other countries including the Dominican Republic, Honduras, and Panama; and

WHEREAS, Anthony earned his bachelor's degree from Brown University in 1985 and his doctor of jurisprudence degree from The University of Texas School of Law where he was awarded a Dean's Scholarship for a stipend and his full tuition; he was also a semifinalist in the 1990 Thad T. Hutcheson Freshlaw Moot Court, belonged to the Thurgood Marshall Legal Society, and was a member of the Chicano Law Students Association; and

WHEREAS, Pursuing a career in public service before he finished law school, he was a summer intern for the 334th Civil District Court and the 151st Civil District Court in 1990; and

WHEREAS, He served as a board member of the Travis County Dispute Resolution Center from August of 1990 through March of 1993; he assisted State Representative Garnet Coleman in the Get Out The Vote effort in Harris County African-American precincts and was chief of staff for Representative Coleman from October, 1991, through August, 1993; and

WHEREAS, Special Assistant to Texas State Senator Rodney Ellis from August, 1993, through February, 1994, he still serves as his general counsel; in March, 1994, Mr. Haley began serving as general counsel to the Select Committee on Historically Underutilized Businesses; and

WHEREAS, This distinguished gentleman was officially licensed as an attorney in the State of Texas on December 30, 1994; Judge Vanessa Gilmore swore him in on that day, and this event is certainly worthy of legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby congratulate Anthony F. Haley on this significant accomplishment and commend him for his contributions to the citizens of this state; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as a memento of this special day in his life.

The resolution was read and was adopted by a viva voce vote.

(President in Chair)

CAPITOL PHYSICIAN

Senator Ellis was recognized and presented Dr. Edward Langston of Houston as the "Doctor for the Day."

The Senate welcomed Dr. Langston and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

PROCLAMATION FROM THE GOVERNOR

The following Proclamation from the Governor was read and was filed with the Secretary of the Senate:

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-FOURTH LEGISLATURE, IN REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, George W. Bush, Governor of the State of Texas, submit the following emergency matter for immediate consideration by the 74th Legislature, now convened:

Legislation related to reform of the state's civil justice system in the areas of punitive damages, deceptive trade practices and consumer protection, joint and several liability, medical malpractice, venue, sanctions against frivolous lawsuits, expert testimony, directions to the Supreme Court to streamline and expedite the process of litigation, judicial fundraising, governmental liability, and contingency fees.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 20th day of January, A.D. 1995.

/s/George W. Bush
Governor of Texas

ATTEST:

/s/Antonio O. Garza, Jr.
Secretary of State

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
January 19, 1995

TO THE SENATE OF THE SEVENTY-FOURTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE COASTAL COORDINATION COUNCIL for
terms to expire January 27, 1996:

JOSEPH T. SUROVIK
1619 Jackson Street
Port Lavaca, Texas 77979

Mr. Surovik will be filling the unexpired term of Ray Allen of Corpus Christi, whose name was not submitted to the Senate for confirmation.

THE HONORABLE ED STUART
Galveston County Commissioner
2001 Pine Drive
Friendswood, Texas 77546

Commissioner Stuart will be filling the unexpired term of Mayor Barbara Crews of Galveston, whose name was not submitted to the Senate for confirmation.

Respectfully submitted,

/s/George W. Bush
Governor of Texas

SENATE CONCURRENT RESOLUTION 32

Senator Harris offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the Senate and the House meet in Joint Session in the Hall of the House of Representatives at 11:00 a.m., Tuesday, February 7, 1995; and, be it further

RESOLVED, That the Honorable George W. Bush, Governor of the State of Texas, be, and is hereby, invited to address the 74th Legislature in Joint Session at this time.

The resolution was read.

On motion of Senator Harris and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

REPORT BY SENATOR WHITMIRE

Senator Whitmire was recognized by the President to give a report to the Senate concerning his trip to Washington, D.C., about the delay of the vehicle emissions inspection and maintenance program. (S.B. 19)

Senator Whitmire reported to the Senate.

REPORT BY SENATOR BROWN

Senator Brown was recognized by the President to give a report to the Senate concerning his trip to Washington, D.C., about the delay of the vehicle emissions inspection and maintenance program. (S.B. 19)

Senator Brown reported to the Senate.

**APPOINTMENT OF SPECIAL COMMITTEE
ON EMISSIONS AND CLEAN AIR**

The President announced, pursuant to Senate Rule 11.03(a), the appointment of the following Members to the Special Committee on Emissions and Clean Air: Senators Whitmire, Chair; Brown, Vice-chair; Galloway, Leedom, and Rosson.

SENATE BILL 178 REREFERRED

On motion of Senator Whitmire and by unanimous consent, S.B. 178 was withdrawn from the Committee on Natural Resources and was rereferred to the Special Committee on Emissions and Clean Air.

SENATE BILL 94 REREFERRED

On motion of Senator Ellis and by unanimous consent, S.B. 94 was withdrawn from the Committee on Economic Development and was rereferred to the Committee on State Affairs.

SENATE BILL 13 REREFERRED

On motion of Senator Montford and by unanimous consent, S.B. 13 was withdrawn from the Committee on Economic Development and was rereferred to the Committee on State Affairs.

MEMORIAL RESOLUTIONS

S.R. 59 - By Sims: In memory of Alvon Hudgens Hughes of San Angelo.

S.R. 66 - By Madla: In memory of Damon William Black of Fort Davis.

S.R. 67 - By Madla: In memory of James Pruett Espy III of Fort Davis.

S.R. 72 - By West: In memory of Shirley Ann Oliver Covington of Dallas.

S.R. 73 - By Brown: In memory of Judge Thad Wesley Davis of Freeport.

CONGRATULATORY RESOLUTIONS

S.R. 58 - By Sims: Congratulating Llano Memorial Hospital on earning a place in the 1994 "100 Top Hospitals—Benchmarks for Success" study.

S.R. 60 - By Ellis: Commending Rebecca Lightsey for her contributions as Interim Executive Director for the Texas Department of Insurance.

S.R. 62 - By Whitmire: Congratulating Ryan Bruce Salinas of Houston on achieving the rank of Eagle Scout.

S.R. 63 - By Moncrief: Commending Frank M. Wilson for his contributions to the City of Fort Worth and Tarrant County.

S.R. 64 - By West: Recognizing February 2, 1995, as National Girls and Women in Sports Day.

S.R. 65 - By Sims: Congratulating Robert Arnold of Lawn on the occasion of his 90th birthday.

S.R. 71 - By Ratliff: Congratulating James K. Mills on achieving the rank of Eagle Scout.

S.R. 74 - By Brown: Congratulating Mr. and Mrs. Lloyd Parr on the occasion of their 50th wedding anniversary.

H.C.R. 38 - (Ratliff): Designating January 25, 1995, as Mount Pleasant Day.

ADJOURNMENT

On motion of Senator Truan, the Senate at 1:44 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEE

The following committee reports were received by the Secretary of the Senate:

January 23, 1995

STATE AFFAIRS — **S.C.R. 6, C.S.S.B. 192**

SENT TO SECRETARY OF STATE

(January 23, 1995)

S.C.R. 9

SENT TO GOVERNOR

(January 23, 1995)

S.C.R. 8

S.C.R. 10

S.C.R. 11

S.C.R. 12

S.C.R. 14